

² See Rules 1(b) & 4, Rules Governing Section 2254 Cases (authorizing dismissal of habeas petition where it plainly appears from face of petition that petitioner is not entitled to habeas relief).

A district court may not entertain a § 2241 petition attempting to invalidate a sentence or conviction unless a motion to vacate, set aside or correct the sentence under 28 U.S.C. § 2255 in the sentencing court is “inadequate or ineffective to test the legality of [an inmate’s] detention.” *Swain v. Pressley*, 430 U.S. 372, 381 (1977) (internal quotation marks and citation omitted). A procedural impediment to § 2255 relief, such as the statute of limitations or the rule against successive petitions, does not render § 2255 review “inadequate” or “ineffective.” *See In re Vial*, 115 F.3d 1192, 1194 n. 5 (4th Cir. 1997).

The United States Court of Appeals for the Fourth Circuit has found that § 2255 is inadequate and ineffective when the inmate satisfies a three-part standard by showing that:

(1) at the time of conviction settled law of this circuit or the Supreme Court established the legality of the conviction; (2) subsequent to the prisoner’s direct appeal and first § 2255 motion, the substantive law changed such that the conduct of which the prisoner was convicted is deemed not to be criminal; and (3) the prisoner cannot satisfy the gatekeeping provisions of § 2255 because the new rule is not one of constitutional law.

In re Jones, 226 F.3d 328, 333-34 (4th Cir. 2000).

George’s petition does not specify any recent change of substantive law making it no longer criminal conduct to use a deadly weapon to murder someone, and I am not aware of any such precedent or statutory amendment. Thus, George fails to meet a critical element of the *In re Jones* standard as required to show that

§ 2255 is inadequate or ineffective to test the legality of his conviction,³ and his challenge to his conviction cannot be addressed under § 2241 accordingly.

III

Because George's claim is not appropriately raised under § 2241, I will summarily dismiss his petition.

A separate Final Order will be entered herewith.

DATED: June 24, 2014

/s/ James P. Jones

United States District Judge

³ In fact, records available online indicate that George has previously filed numerous habeas corpus petitions and appeals in the courts of the Virgin Islands, as well as prior § 2255 motions. *See, e.g., George v. Wilson*, 59 V.I. 984, 2013 WL 5819098, *1-2 (V.I. 2013) (detailing petitioner's several attempts at post-conviction relief, including prior § 2255 proceedings).